

U.S. Department of Justice  
United States Marshals Service

## PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

A

PLAINTIFF	COURT CASE NUMBER
Eric Ware	08C2788 08cu2788
DEFENDANT	TYPE OF PROCESS
McCann, et al.	Amended S/C
SERVE	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
→	Roger E. Walker, Jr., Director, Illinois Department of Corrections
AT	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
	Ill. Dept. of Corrections, 1301 Concordia Court 1301 Concordia Ct. P.O. Box 19277
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:	
<input type="checkbox"/> Eric Ware, R-32516 Dixon-DIX P.O. Box 1200 Dixon, IL 61021	
<input type="checkbox"/> Number of process to be served with this Form - 285 <b>1</b>	
<input type="checkbox"/> Number of parties to be served in this case <b>6</b>	
<input type="checkbox"/> Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

FILED

Fold

Springfield, IL 62794

J.N.

JUL 14 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Signature of Attorney or other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE
	<input type="checkbox"/> DEFENDANT		06-27-08

## SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <b>6 of 6</b>	District of Origin No. <b>24</b>	District to Serve No. <b>24</b>	Signature of Authorized USMS Deputy or Clerk	TD	Date <b>06-27-08</b>
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I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below. I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.		
Address (complete only if different than shown above)	Date of Service <b>6/20/08</b>	Time pm	am
<i>RECEIVED Signed waiver of summons &amp; Receipt of Certified delivery (green card)</i>		<i>Signature of USM, Marshal or Deputy</i> <i>Weller</i>	

Service Fee <b>0</b>	Total Mileage Charges (including endeavors) <b>0</b>	Forwarding Fee <b>0</b>	Total Charges <b>0.24</b>	Advance Deposits <b>0</b>	Amount owed to U.S. Marshal or <b>0.24</b>	Amount of Refund <b>0</b>
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REMARKS: mailed Certified mail w/waiver

In Mail

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

(DISTRICT)

## Waiver of Service of Summons

TO: Eric Ware

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Roger E. Walker, Jr. acknowledge receipt of your request that I waive service of summons in the action of Eric Ware vs. McCann, et al.

(DEFENDANT NAME)

(CAPTION OF ACTION)

which is case number 08C2788 in the United States District Court for the

(DOCKET NUMBER)

Northern District of Illinois

(DISTRICT)

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after June 27, 2008

(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/30/08

DATE

SIGNATURE

[2]

Printed/Typed Name: Roger E. Walker JR.As Director  
TITLEof Illinois Dept. of Corrections  
CORPORATE DEFENDANT

## Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown to its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card* to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <span style="border: 1px solid black; padding: 2px;">JUN 30 2008</span></p> <p>C. Date of Delivery <span style="border: 1px solid black; padding: 2px;">JUL 14 2008</span></p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p></p> <p>E. Service Type <span style="border: 1px solid black; padding: 2px;">U.S. POSTAL SERVICE</span></p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> COURT</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Domestic <input type="checkbox"/> Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Priority <input type="checkbox"/> Other</p> <p>F. Restricted Delivery? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Roger C. Walker, Jr., Director Illinois Department of Corrections 1301 Concordia Court P.O. Box 19277 Springfield, IL 62794</p>		<p>2. Article Number (Transfer from service label) <span style="border: 1px solid black; padding: 2px;">7007 0710 0000 9546 2099</span></p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1640

0802788